



City of Loma Linda Official Report

Karen Gaio Hansberger, Mayor
Floyd Petersen, Mayor pro tempore
Robert Christman, Councilmember
Stan Brauer, Councilmember
Robert Ziprick, Councilmember

COUNCIL AGENDA: July 26, 2004
TO: City Council
VIA: Dennis R. Halloway, City Manager
FROM: Pamela Byrnes-O'Camb, City Clerk
SUBJECT: Minutes of July 13, 2004

RECOMMENDATION

It is recommended that the City Council approve the Minutes of July 13, 2004.

City of Loma Linda

City Council Minutes

Regular Meeting of July 13, 2004

A regular meeting of the City Council was called to order by Mayor Gaio Hansberger at 5:50 p.m., Tuesday, July 13, 2004, in the City Council Chamber, 25541 Barton Road, Loma Linda, California.

Councilmen Present:	Mayor Karen Gaio Hansberger Mayor pro tempore Petersen Robert H. Christman Stan Brauer Robert Ziprick
Councilman Absent:	None
Others Present:	City Manager Dennis Halloway City Attorney Richard E. Holdaway

CC-2004-082 – Closed Session – Conference with Legal Counsel – Anticipated Litigation –
(Government Code Section 54956.9(b)(1)) – a point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency

The City Council immediately recessed to consider the closed session item and reconvened at 7:03 p.m. with all members present. City Attorney Holdaway announced that the City Council met with Legal Counsel and gave direction. There was no final action to report.

Mayor Hansberger led the invocation and Pledge of Allegiance. No items were added or deleted, nor were any conflicts of interest noted.

Mayor Hansberger stated that former Public Works Director and City Manager Robert Clute, who served many years with the City, recently passed away. On behalf of the City Council and Staff, she extended condolences to his family, noting that he served the City well. Mayor pro tempore Petersen suggested that the meeting be adjourned in his honor and memory.

Oral Reports/Public Participation

Jay Gallant 26284 Cresthaven Court, distributed information entitled, "Building Communities with Traditional Neighborhood Design." He noted that projects under discussion did not fit the true concept of "neo-traditional," that a policy should be established outlining the points necessary to categorize a development as a "neo-traditional," "livable," or "walkable" community.

Jonathan Zirkle, 24247 Barton Road addressed the City Council pertaining to the tasks of the Trails Development Committee as they related to identification of trails and open space in the South Hills in relation to the General Plan, and expressed concern about the process to update the General Plan. He asked that the Planning Commission delay action on the General Plan Update, particularly the EIR, and that the various committees and commissions be more involved, utilizing their expertise in their specialized areas, prior to Planning Commission action or submittal of the Update to the City Council.

Fred Ramos, Bryn Mawr, commented on the development approved for the area of First Street and Whittier Avenue, and asked that Cacti at the perimeter of the proposed development be saved, as they were brought from Mexico over 100 years ago.

Scheduled and Related Items

CC-2004-083 – Presentation of plaques in recognition of service to the City and Community

- a. Eric Essex – Planning Commission – August 2002 – July 2004
- b. Shakil Patel – Planning commission – June 1995 – July 2004
- c. Verne Miller – Traffic Advisory Committee – May 2000 – July 2004
- d. Dr. David Bieber – Senior Center Board – March 1995 – July 2004
- e. Dr. Roy V. Jutzy – Senior Center Board – October 2002 – July 2004
- f. Mary Lynn Cooke – Trails Committee – July 2002 – July 2004

Mayor Hansberger acknowledged Eric Essex and Mary Lynn Cooke and presented them with plaques in recognition of their service on the Planning Commission and Trails Development Committee, respectively. She also acknowledged the services of Shakil Patel, Verne Miller, Dr. David Bieber, and Dr. Roy Jutzy, and stated that plaques in recognition of their service would be forwarded to them.

The City Council recessed to allow completion of the Redevelopment Agency Agenda, and reconvened at 7:24 p.m. with all members present.

CC-2004-084 – Public Hearing – Council Bill #R-2004-37 – Ordering the continued maintenance of Landscape Maintenance District No. 1 pursuant to the 2004-2005 Annual Engineer's Report

The public hearing was opened. Director of Public Works Thaipejr presented the Engineer's Report and was available for questions. No other public testimony was offered, and the public hearing was closed.

Motion by Petersen, seconded by Christman and unanimously carried to adopt Council Bill #R-2004-37.

Resolution No. 2344

A Resolution of the City Council of the City of Loma Linda ordering the continued maintenance of Landscape Maintenance District Number 1, and confirming Engineer's Report and Assessment for 2004/2005 Fiscal Year

CC-2004-085 – Public Hearing – Council Bill #R-2004-38 – Ordering the continued maintenance of the Street Light Benefit Assessment District pursuant to the 2004-2005 Annual Engineer's Report

The public hearing was opened. Director of Public Works Thaipejr presented the Engineer's Report and was available for questions. No other public testimony was offered, and the public hearing was closed.

Motion by Petersen, seconded by Ziprick and unanimously carried to adopt Council Bill #R-2004-38.

Resolution No. 2345

A Resolution of the City Council of the City of Loma Linda ordering the continued maintenance of Street Light Benefit Assessment District No. 1, and confirming the Engineer's Report, and levying assessment for Fiscal Year 2004-2005

CC-2004-086 – Public Hearing – Subdivision of 15 acres into 88 (formerly 95) single-family numbered lots and 9 (formerly 8) lettered lots located on the south side of Mission Road, east of Pepper Avenue and west of and including the Edison Easement

- a. Adopt a Mitigated Negative Declaration
- b. Council Bill #O-2004-02 – (First Reading/Set Second Reading for July 26) Zone Change No. 03-06 to change the zoning from R-1 to Planned Community
- c. Tentative Tract Map 16323 to subdivide 15 acres into 88 single-family lots and 9 lettered lots
- d. Council Bill #O-2004-03 (First Reading/Set Second Reading for July 26) Approving a Development Agreement between Glenn & Heidi Elssmann and the City to assist in providing affordable housing throughout the City

The public hearing was opened and Senior Planner Lamson presented the report into evidence, stating:

- 1) The public hearing concerning the project was continued from June 8 because of concerns regarding density and appearance of the tract from Mission Road and the long, linear look of the southern street.
- 2) Staff was asked to organize a subcommittee of the Chairmen and Vice-Chairmen of the Planning Commission and Historical Commission to review the project and make suggestions to resolve the issues expressed on June 8.
- 3) The subcommittee met on June 16 and as a result, the applicant reduced the number of lots by seven.
- 4) Four lots were removed from the northern portion of the tract, creating two larger lots facing Mission Road and widening the lots in the area.
- 5) Two lots were removed from the east side of the southerly portion of the lot, which created an additional connection to the Edison Easement, increased lot width, and provided a visual break in the long linear block.
- 6) One lot was removed from the west side of the southerly portion to increase lot widths.
- 7) Two landscape medians were provided in the southerly street to create a landscape bulb, which creates a visual break in the linear street length, provides a traffic calming measure, and still allows vehicular traffic to pass.
- 8) The changes reduced the tract to 86 new homes and 2 existing homes, with a density of 5.7 units per acre.
- 9) The lots ranged in size from 2,196 to 4,056 square feet with an average size of 3,140 square feet. The lot widths ranged from 34 feet to 54 feet.
- 10) The subcommittee concurred that with the modifications stated, the issues and concerns expressed on June 8 were addressed.

Mrs. Lamson noted that written comments had been received and were included in the agenda packet. She also stated that the Historical Commission met on July 12 and some of the members still expressed concern about density, acknowledging that density was a Planning Commission issue.

In response to questions, she stated that the density of the project to the west of the subject project was 7.7 dwelling units per acre; the adjacent apartments were 11.5 dwelling units per acre, showing that densities along Mission Road were less traveling west to east.

She then recommended adoption of the Mitigated Negative Declaration and approval of the Zone Change, Tentative Tract Map and Development Agreement.

Glenn Elssmann, applicant and owner of the property, displayed maps and presented via PowerPoint the changes made as well as the general layout of the project. He also displayed elevations and architectural features of the houses, although the Precise Plan of Design was not submitted for discussion at this time. He stated that:

- 1) The lots along Pepper Way ranged from 45 feet to 69 feet in width and orientation of the houses matched the houses on the opposite side of the street.
- 2) Special crossings were enhanced and a crossing was added to connect the subject project with the Mission Trails Project.
- 4) A community garden was situated in the southern portion of the tract.
- 5) Two houses in the subject tract faced Mission Road; however, there were nine houses on the north side of Mission Road.

Mr. Elssmann then introduced Dan Burden, expert in the design of Neo-Traditional, Livable, Walkable communities.

Mr. Burden reviewed various aspects of the Neo-Traditional, Livable, Walkable communities and showed designs of other projects featuring those aspects. He noted that traffic increases 25 percent every 10 years; more intersections were failing; more people were spreading out into the canyon and ridge areas as well as other high-risk locations, resulting in change in the design of communities.

He then reviewed smart growth strategies; the three projects on the south side of Mission Road, their design, connectivity, and features of the communities that are neo-traditional, livable, walkable; public space and parks; gateway entrances; and the facing of houses onto parks instead of facing cul-de-sacs;

Mr. Elssmann responded to questions, stating that sales prices of the houses ranged from the high \$200,000 to the low \$300,000; 85 percent of the buyers in the adjacent Mission Trails Project worked in Loma Linda, 60 percent of the buyers were in the health care industry, 50 percent of the buyers had children and 50 percent didn't.

Others speaking were: Georgia E. Hodgkin, 24360 Lawton Avenue, who submitted letters of opposition; Jay Gallant, 26284 Cresthaven Court, who provided a brochure on community design; Jonathan Zirkle, 24247 Barton Road; Wayne Isaef, Lawton Avenue; and James Stocker, 26234 Mission Road.

A summary of their comments is as follows:

- 1) Approval of the Certificate of Appropriateness by the Historical Commission should be reconsidered.
- 2) The project does not comply with the Dangermond Report or the Historical District Overlay Ordinance.
- 3) The project is too dense.
- 4) The City needs a plan as to what it wants.
- 5) The communities shown by Mr. Burden were established in urban areas; the concept is new to Loma Linda and Loma Linda is not urban;
- 6) The lot sizes are too small.
- 7) The project doesn't incorporate the "walkable" concept because the commercial area is too distant.

Mr. Elssmann and Mr. Burden responded to the comments, stating that the project encompassed features that provided connectivity to other projects and the proposed community represented the current market needs. Mr. Elssmann then asked that the project be approved.

The City Council recessed at 9:25 p.m. and reconvened at 9:33 p.m. with all members present.

Extensive discussion ensued pertaining to parking, distance between houses, maintenance of the park/trail area within the Edison Easement by property owners versus the City; improved circulation with the modified street design and reduction of lots; returning the modified project to the Planning Commission for recommendation; density; further reduction of units; community input; time constraints to comply with the Permit Streamlining Act; and continuing the item.

Senior Planner Lamson commented that because of the time constraints to comply with the Permit Streamlining Act, there would be insufficient time to return the item to the Planning Commission if it was to be continued to July 26.

City Attorney Holdaway stated that the deadline for City Council action was July 26 if the applicant agreed to the continuance.

Mr. Elssmann concurred to continue the item to July 26.

Motion by Christman, seconded by Ziprick and carried to continue the item to July 26. Petersen opposed.

CC-2004-087 – Consent Calendar

Motion by Petersen, seconded by Ziprick and unanimously carried to approve the following items:

The Demands Register dated July 13, 2004 with commercial demands totaling \$234,392.54.

The Demands Register dated June 30, 2004 with commercial demands totaling \$682,019.98.

The Demands Register dated June 30, 2004 with commercial demands totaling \$58,959.04 and payroll demands totaling \$210,737.28.

The Minutes of June 8 and 22, 2004 as presented.

The June 2004 Department of Public Safety Stats Report for filing.

An Amendment to the Agreement between the Public Health Institute in conjunction with California Healthy Cities and Communities and City to provide an additional \$4,000 to the existing grant.

A two-year extension of contract with California Street Maintenance for street sweeping services and an increase in the monthly contract amount from \$2,216 to \$2,511.

Extension of the contract with Peek Traffic/Signal Maintenance Inc. for Fiscal Year 2004-2005 for traffic signal maintenance services in the amount of \$16,454.

The Quarterly Report from the Chamber of Commerce for filing and disbursement of funds pursuant to the Agreement with the City.

A Purchase Agreement between the City and the City of San Bernardino for the purchase of the Bennett Well Site from the City of San Bernardino, subject to approval of the City Attorney as to final form.

Extension of contract with Albert Grover & Associates in the amount of \$11,700 for signal monitoring services at eight intersections at Barton Road and five intersections at Anderson street and a supplemental appropriation of \$1,700 to cover the entire contract amount.

Old Business

CC-2004-088 – Appointment of Committee/Commission/Board Members

- a. Planning Commission
- b. Traffic Advisory Committee
- c. Senior Center Board
- d. Trails Development Committee

It was noted that applications for the Planning Commission had been received from Rene Sakala and Elias Intithier.

Motion by Hansberger, seconded by Ziprick and unanimously carried to appoint Rene Sakala to the Planning Commission for a three-year term to expire June 30, 2007.

Appointment to the Traffic Advisory Committee was discussed next. The City Clerk stated that no applications had been received; however request was received from the Loma Linda University Foundation that consideration be given to appointment of Art Walls, the Rental Property Manager. She explained that at one time a representative of the Foundation served on the Committee; but upon his retirement, a replacement was not appointed.

Motion by Brauer, seconded by Petersen and unanimously carried to appoint Art Walls, LLU Foundation Rental Property Manager, to the Traffic Advisory Committee.

The Senior Center Board was discussed next. Director of Community Development Woldruff stated that Jeffery Samuels was currently the VA Medical Center's liaison to the Board.

Motion by Christman, seconded by Petersen and unanimously carried to appoint Jeffery Samuels to the Senior Center Board for a three-year term to expire June 30, 2007.

Regarding the Trails Development Committee, the application of Victor J. Miller was reviewed, and it was noted that he was a business associate of Mr. Elssmann, who was currently involved in drafting a master plan for the South Hills. Councilman Ziprick asked that the item be continued to allow Council Members an opportunity to speak with Mr. Miller regarding possible conflicts of interest.

By common consent, appointment to the Trails Development Committee was continued to July 26.

CC-2004-089 – Proposed measure for the November 2004 ballot relating to Las Vegas-style gambling throughout California (Continued from June 22)

Josh Pelzer, representing the "No on 68 Campaign," addressed the City Council, stating that the proposition would have a dire impact on California, local government and education. The proposition was also known as the Gaming Revenue Act of 2004. The proposition, if approved, would allow the installation of 30,000 slot machines throughout California.

Councilman Brauer expressed concern about taking a position on a State ballot measure. Councilman Christman countered that the proposition undermined local control in that local government would have no control over location within the community; the gaming facilities would be except from the CEQA (California Environmental Quality Act) as well as increases in local and state taxes and zoning codes. Discussion ensued.

Motion by Petersen, seconded by Hansberger and carried to oppose Proposition 68, the Gaming Revenue Act of 2004. Brauer opposed.

Reports of Councilmen

Councilman Brauer suggested that consideration be given to phasing or limiting the number of building permits issued in one year, noting that there was a potential of 1,000 units coming on line and questioning whether the community was prepared for that number.

The meeting adjourned at 11:07 p.m. in honor and memory of the late Robert Clute, former Public Works Director and City Manager of the City.

Approved at the meeting of

City Clerk